

**DRAFT Public Participation Procedures for Water Quality
Management Planning**

APPENDICES

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APPENDIX A: Scheduling TMDL Public Participation Events

This section presents a schedule of public participation events. The events are divided into mandatory and required categories. The "mandatory" events must take place to meet federal public participation requirements, the "required" events must take place as a matter of programmatic policy.

In order to determine dates for each public participation event or task related to TMDL development, it is necessary to work backwards from the date by which the DEQ plans to submit a completed TMDL to EPA. The timing of public participation events for TMDL implementation plan (TMDL IP) development is stakeholder driven. TMDL IPs can be developed by state agencies such as the Department of Environmental Quality (DEQ) or the Department of Conservation and Recreation (DCR) as well as local governments or stakeholder groups. A separate TMDL IP development guidance manual provides technical and programmatic guidance on the required elements of a TMDL IP. Regardless of who takes the lead in TMDL IP development, the SWCB needs to approve completed TMDL IPs as part of their approval of basin-wide WQMPs.

The following table illustrates the event requirement and the approximate scheduling for public participation events.

Table A1. Schedule of public participation events		
Event	Event Requirement	Schedule
First TMDL Local Government/Stakeholder Meeting?	Required	~1 mo. prior to first public meeting
First TMDL Public Meeting	Required	~6 mos. prior to TMDL due date*
Second TMDL Local Government/Stakeholder Meeting?	Required	~1 mo. prior to final public meeting
Final TMDL Public Meeting	Mandatory	>30 days prior to TMDL due date*
First TMDL IP Local Government/Stakeholder Meeting?	Required	~1 mo. prior to first public meeting
First TMDL IP Public Meeting	Required	~6 mos. prior to TMDL IP completion
Second TMDL IP Local Government/Stakeholder Meeting?	Required	~1 mo. prior to final public meeting
Final TMDL IP Public Meeting	Required	>30 days prior to TMDL IP completion

*Date final TMDL is due to the EPA

?Government/Stakeholder meetings are not subject to the notice procedures for public meetings.

Scheduling events should be coordinated with: the Department of Conservation and Recreation (DCR), the Department of Mine, Minerals and Energy (DMME), the Virginia Department of Health (VDH), the USDA-Natural Resource Conservation Service (NRCS), the local Soil and Water Conservation Districts (SWCD), Planning District Commissions (PDC), local governments and any other participating agencies and/or contractor(s).

➤ **Local Government/Stakeholder Meetings**

Prior to any public meeting it can be very beneficial to hold meetings with local government agencies and stakeholders. The purpose of such meetings would be to review data to be used in the TMDL or the TMDL IP and to review the TMDL/TMDL IP development process. Obtaining local government/stakeholder buy-in on the technical aspects of a TMDL prior to going to the public should hopefully avoid unnecessary conflict at public meetings. Local government/stakeholder meetings can be held anytime; however, sufficient time should be allowed to incorporate government/stakeholder comments prior to any public meeting. Representatives from appropriate state and federal agencies such as DCR, VDH, DMME, NRCS, SWCD, PDC etc. should be invited to attend.

➤ **First Public Meeting**

For TMDLs, this public meeting should be held approximately six to nine months prior to the date the completed TMDL is due to the EPA. The intent would be to have this public meeting precede the beginning of the actual writing of the TMDL. The purpose of this meeting is to give an overview of the TMDL process, to present watershed information collected to date and an outline of the TMDL development methodology. The first public meeting should serve to generate stakeholder interest in and support for the process, and to solicit community input on data sources. Representatives from appropriate state agencies such as DCR, VDH, DMME, etc. should be invited to attend TMDL meetings.

For TMDL IPs, the first public meeting should be held approximately six months prior to the completion of the TMDL IP. The purpose of this meeting is to give an overview of the TMDL and to present an outline of the TMDL IP development process. The first public meeting should serve to solicit community input on TMDL implementation. Representatives from appropriate state agencies such as DCR, VDH, DMME, etc. should be invited to attend TMDL IP meetings.

➤ **Final Public Meeting**

For TMDLs, this mandatory public participation event should take place no less than 35 days prior to the TMDL due date to the EPA. Though the public comment period officially begins at the date shown on the public notice, the schedule presented below will allow for ~30 days from the date of the final public meeting to receive public comments. The following table illustrates the critical dates associated with the final public meeting and TMDL submittal.

Table A2. Schedule of events for final public meeting on TMDL Development		
Event	Date	Notes
Public Notice submittal to Virginia Register	>20 days prior to Publication of Notice	See section on Virginia Register
Publication of Notice in Virginia Register	9 weeks prior to submittal*	Begins Public Notice period
Public Meeting	5 weeks prior to submittal*	
Incorporation of Public Comments	1 week prior to submittal*	

* Date Final TMDL is due to the EPA

Representatives from appropriate state and federal agencies such as DCR, VDH, DMME, SWCD, PDC, NRCS etc. should be invited to attend. Non-point source issues will be key in most TMDLs; as such, it is suggested to have one or more DCR personnel attend the final public meeting.

For TMDL IPs, this public participation event should take place after a draft TMDL IP has been completed. The public notice should allow for ~30 days from the date of the final public meeting to receive public comments.

Appendix B: Public Notice Methods

This section presents the various methods of providing public notice of TMDL public participation events. It should be noted that these notification methods can be used for any public participation event.

➤ Mailings

Public notice should be given by mailing or e-mailing a copy of the public notice document to the recipients specified in section 7 of these guidelines. References to highways and route numbers within the watershed of the impaired waterbody, or a map providing such information, should be included. The mailing might also provide a link to the impaired waters fact sheets, at <http://www.deq.state.va.us/water/main.html>

Examples of transmittal letters to government officials and letters to permit holders are attached below. As many stakeholders as possible should be contacted regarding the proposed TMDL actions. E-mail lists will be the best tool for these contacts.

For public notice emails, a statement should be included at the end of each message urging the recipient to forward the notice to any party they think may be interested in the TMDL action. Also, a statement should be included to the effect: "If you have received this notice but were not on the original distribution list and would like to be added to the distribution list, please email your request to <DEQ TMDL coordinator>@deq.state.va.us." It will be the responsibility of the TMDL coordinator to add new email contacts to their TMDL Public Participation Contact list and distribution list for the specific TMDL.

➤ Virginia Register

Public notices should be published in the Virginia Register. It is imperative that sufficient time be allowed to submit and publish a notice prior to a planned public meeting. Meetings should be public noticed (published) 3-4 weeks in advance of the actual meeting. To publish a notice in the Virginia Register follow these steps:

1. Select meeting date;
2. Go to the following web site <http://legis.state.va.us/codecomm/register/pubdates.htm>, select a **"Will Be Published On"** date that precedes the meeting date by 3-4 weeks;
3. Identify the corresponding **"Material Submitted By Noon"** date;
4. Submit notice for publication by close of business the day before the **"Material Submitted By Noon"** date.

Publication in the Virginia Register will be coordinated through the Office of Water Quality Programs/Watershed Programs office. Submit an electronic copy of the notice by the deadline as determined above to the following central office contact:

Dave Lazarus 804-698-4299
dslazarus@deq.state.va.us

➤ Internet

An electronic copy of the public notice published in the newspaper should be forwarded to Sandy Mueller at stmueller@deq.state.va.us for posting on the DEQ web site. Public notices for proposed actions by the DEQ are posted at the following locations on the DEQ web site:

- ❖ Public Notices: http://www.deq.state.va.us/cgi-bin/deq/prweb/BrowseIndex.cgi?URL_NAME=NOTICE.
- ❖ Public Calendar: http://www.deq.state.va.us/cgi-bin/deq/prweb/BrowseIndex.cgi?URL_NAME=CALENDAR.

Public meetings are also listed on the TMDL 2-Year Status Report web page of the DEQ web site:

- ❖ TMDL 2-Year Status Report: <http://www.deq.state.va.us/tmdl/2yrstat.html>

➤ Newspaper Advertisements

To publicize the start of TMDL development, TMDL implementation plan development, or WQMP actions, the public in the affected watershed should be notified through advertisements in a local newspaper with general circulation in the area. The advertisements might be in the form of display advertisements, announcements in the community calendar, or any other format designed to inform the public of the upcoming event. The advertisement should also contain agency staff contact information so that interested persons can request to be added to mailing lists for future notices regarding the action.

➤ Phone Calls

Landowners bordering an impaired segment of water (riparian landowners) are likely to be directly affected by the development of a TMDL; as such, every effort should be made to include them in the TMDL process. Phone calls to riparian landowners are an effective way to provide notice of upcoming public meetings.

A list of riparian landowners may be obtained through a local Soil and Water Conservation office or via tax maps and tax records. Check with county tax assessors' offices for tax maps and records. Note: this can be a time consuming task. Landowners will typically want to get details of the TMDL process over the phone.

➤ Mass Communications

Many stakeholders will read the main sections of their paper, many more will watch local newscasts on local television stations or listen to the radio. As such, it may be worthwhile to contact local newspapers, radio stations and/or television stations to see if they have any interest in doing an article or program on the TMDL development. Such articles with DEQ contact

names and numbers at the end of the article can serve well to spread the word within a watershed.

If a local newspaper or television station does an article on TMDLs, you must inform the DEQ head of public affairs, Bill Hayden. His contact information is presented below:

Bill Hayden
804-698-4447 ph
wphayden@deq.state.va.us

Public Comment and Response

A key element of the public participation process is public comment and response. Though public comment may be generated and collected throughout the TMDL development process, the bulk of public comment is received during public meetings. Regardless of when and where it is generated, comments received during the TMDL development process will be compiled in a comment-response document as detailed below.

Comments received should be directed to the appropriate TMDL coordinator and handled as follows:

- Copy the comment(s) to all parties involved with the preparation of the TMDL,
- Enter the comment(s) into a central comment-response document containing comments received for that TMDL,
- Prepare or request preparation (from appropriate source) of a response for each comment received,
- Place responses into the central comment-response document referenced above,
- Mail a copy of the comment-response document to each party that submitted a written comment,
- Append a copy of the comment-response document to the final TMDL for submittal to the EPA.

Though comments can be received throughout the TMDL development process, the cutoff for comments considered in the comment-response document preparation will be 30 days after any public meeting unless an expansion is requested.

Example Public Notice

DEPARTMENT OF ENVIRONMENTAL QUALITY NOTICE OF PUBLIC MEETING AND PUBLIC COMMENT

The Department of Environmental Quality (DEQ) and the Department of Conservation and Recreation (DCR) seek written and oral comments from interested persons on the development of Total Maximum Daily Loads (TMDLs) for Pleasant Run, Mill Creek, Muddy Creek, and Holmans Creek. These streams are listed on the 1998 303(d) TMDL Priority List and Report as impaired due to violations of the State's water quality standards for the General Standard (Benthics).

Section 303(d) of the Clean Water Act and §62.1-44.19:7.C of the Code of Virginia require DEQ to develop TMDLs for pollutants responsible for each impaired water contained in Virginia's 303(d) TMDL Priority List and Report.

The Pleasant Run stream segment is located in Rockingham County. It is 6.30 miles in length and begins at the headwaters and continues to the confluence with the North River. The Mill Creek stream segment is located in Rockingham County. It is 2.66 miles in length and begins at the headwaters and continues to the confluence with the North River. The Muddy Creek stream segment is located in Rockingham County. It is 10.36 miles in length and begins at the headwaters and continues to the confluence with Dry River. The Holmans Creek stream segment is located in Rockingham and Shenandoah Counties. It is 10.44 miles in length and begins at the headwaters and continues to the confluence with the North Fork of the Shenandoah River.

The first public meeting on the development of the TMDL to address the Benthic Impairment for these segments will be held on **Thursday, May 2, 2002, 7:00 p.m.** at the DEQ Valley Regional Office, 4411 Early Road, Harrisonburg, Virginia

The public comment period will end on June 3, 2002. A fact sheet on the development of the TMDLs for the benthic impairments is available upon request. Questions or information requests should be addressed to Sandra Mueller. Written comments should include the name, address, and telephone number of the person submitting the comments and should be sent to Sandra T. Mueller, Department of Environmental Quality, 4411 Early Road, Harrisonburg, Virginia 22801, telephone (540) 574-7848, fax (540) 574-7878, or e-mail stmueller@deq.state.va.us.

Example Transmittal Letter for Public Notices

June 1, 2002

Pilgrims Pride Corporation
Mr. John Gangwer
Director of Environmental Affairs
P.O. Box 7275
Broadway, VA 22815

Re: Upcoming TMDL Public Meeting

Dear Mr. Gangwer:

The Department of Environmental Quality (DEQ) and the Department of Conservation and Recreation (DCR) will conduct a TMDL Public Meeting for **Mill Creek, Pleasant Run, Muddy Creek, and Holmans Creek** to address the **Benthic Impairment**. This meeting will be held at 7:00 p.m. on **Tuesday, July 23, 2002**, at DEQ's Valley Regional Office.

Since the Pilgrim's Pride facility located in Hinton (VA0002313) discharges in the Muddy Creek watershed, we wanted to make you aware of this upcoming TMDL meeting. The comment period for this phase of the TMDL will end on August 14, 2002. If you have any questions or comments, please feel free to contact me at (540) 574-7848 or (804) 698-4324.

Sincerely,

Sandra T. Mueller
Regional TMDL Coordinator

cc: TMDL file

APPENDIX C: State and Federal Agency Contact List

Chesapeake Bay Local Assistance Department

<http://www.cblad.state.va.us/about.cfm>

Department of Conservation and Recreation (DCR)

– Division of Soil and Water Conservation

<http://www.dcr.state.va.us/sw/swintro.htm>

Department of Forestry (DOF)

<http://www.dof.state.va.us/info/vdof-directory.shtml>

Department of Game and Inland Fisheries (DGIF)

<http://www.dgif.state.va.us/info/offices.html>

Department of Health (VDH)

– Local Health Districts

<http://www.vdh.state.va.us/lhd/02.htm>

– Division of Shellfish Sanitation

<http://www.vdh.state.va.us/shellfish/index.htm>

Department of Mines Minerals and Energy (DMME)

<http://www.mme.state.va.us/>

– Division of Mined Land Reclamation

<http://www.mme.state.va.us/dmlr/>

Soil and Water Conservation Districts

<http://www.vaswcd.org/emaildir.htm>

US Department of Agriculture

– Natural Resources Conservation Service

http://oip.usda.gov/scripts/ndisapi.dll/oip_public/state_list

Virginia Cooperative Extension

<http://www.ext.vt.edu/offices/>

Virginia Planning District Commissions

<http://www.institute.virginia.edu/vapdc/pdclocator.htm>